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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,816	10/23/2003	David Andrew Matthews	003797.00702	5432

28319 7590 11/14/2007

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EXAMINER

SHIH, HAOSHIAN

ART UNIT	PAPER NUMBER
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2173

MAIL DATE	DELIVERY MODE
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11/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/690,816	Applicant(s) MATTHEWS ET AL.	
	Examiner Haoshian Shih	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 30 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/17/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-24 and 30-31 are pending in this application and have been examined in response to application filed on 02/05/2007.
2. Claims 25-29 have been canceled by the applicant.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 30 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

5. Claim 30 recites: "discrete section(s)" There is no mention in the original specification of having discrete section(s). Thus, the limitation includes subject matter that was not described in the original specification.

If the examiner has overlooked the portion of the original specification that describes the feature of the present invention, then applicant should point it out (by page number and line number) in the response to this office action.

Applicant may obviate this rejection by canceling the claim.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 13, 19 and 30 recites the limitation "its". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. **Claims 19-24 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter.**

10. As to claims 19-24 and 30-31: the claims recite a "computer-readable medium", (spec, [0030]). In accordance with applicant's specification, the computer readable medium may comprise communication media. The communication medium may include an electromagnetic signal. This subject matter is not limited to storage, it also propagate or transmits signals. Thus, non-statutory.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

12. **Claims 1-8, 10-16 and 18-24 are rejected under 35 U.S.C. 102(a) as being anticipated by ObjectDock**

(http://web.archive.org/web/20030803152245/http://www.stardock.com/video/demo_objectdock.wmv, http link from wayback machine dated 08/03/2003, hereafter demo.) hereafter ObjectDock.

13. As to **INDEPENDENT** claim 1, ObjectDock discloses a computer generated graphical user interface for accepting user input commands comprising a first area containing a plurality of menu items (demo, fig1; a list of menu items displayed graphically are indicated); and a second area that includes an icon selected from a set of icons based on the location of a pointer relative to the menu items (demo, fig.5, fig.6; the second area overlaps the first area and displays an animated icon that is associated with the menu item) wherein the graphical user interface is part of an operating system shell (demo, audio narration from time 00:00:07- 00:00:09 "Object dock is a new program from stardock that acts as both a program launcher and a task manager.").

14. As to **INDEPENDENT** claim 13, ObjectDock discloses a method of providing visual feedback in a graphical user interface having a menu comprising a plurality of displayed menu items (demo, fig1), each menu item being associated with an icon different its associated menu item (demo, fig.5, fig.6; animated icons are different in appearance), comprising the steps of:

receiving user input that causes a pointer to be located over a menu item (fig.4, a user hovers over a menu item);

in response to the user input, displaying the icon associated with that menu item in a distinct area of the graphical user interface(demo, fig5, fig6; when a user input is detected over a menu item, the screen shows an animated icon that is associated with the menu item in a distinct area which overlaps directly on top of the menu item)

wherein the graphical user interface is part of an operating system shell (demo, audio narration from time 00:00:07- 00:00:09 "Object dock is a new program from stardock that acts as both a program launcher and a task manager.")).

15. As to claim **INDEPENDENT** 19, see rationale addressed in the rejection of claim 13 above.

16. As to claim 2, ObjectDock discloses a computer generated graphical user interface of claim 1 wherein the first area is a start menu (demo, audio narration from time 00:00:07- 00:00:09 "Object dock is a new program from stardock that acts as both

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a program launcher and a task manager.” ObjectDock acts as a program launcher and a task manager, which reads on a start menu).

17. As to claims 3, 14 and 20, ObjectDock discloses a computer generated graphical user interface wherein the icon is an animated icon (demo: fig5, fig6; the icon deforms and rocks up and down).

18. As to claim 4, ObjectDock discloses a computer generated graphical user interface wherein the animated icon appears as hovering over at least a portion of the start menu (demo: fig2).

19. As to claim 5, ObjectDock discloses a computer generated graphical user interface wherein the animated icon is three-dimensional in appearance (demo: fig2; icons appears to be shaded and have length, width and depth.).

20. As to claim 6, ObjectDock discloses a computer generated graphical user interface, wherein the hovering icon comprises a three-dimensional appearing object located in the shell namespace (demo: fig4).

21. As to claim 7, ObjectDock discloses a computer generated graphical user interface wherein the animated icon further appears reflected in the start menu to give a

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further three-dimensional hovering effect (demo: fig8; by selecting an icon that has a reflection will achieve the same result.).

22. As to claim 8, ObjectDock discloses a computer generated graphical user interface wherein the animated icon appears as rocking from side-to-side (demo: fig5, fig6).

23. As to claim 10, ObjectDock discloses a computer generated graphical user interface wherein the animated icon is contextually related to an item in the start menu over which the pointer is located (demo: fig9, fig10; menu item of an e-mail program is associated with a mail box icon).

24. As to claim 11, ObjectDock discloses a computer generated graphical user interface wherein the contextually related animated icon provides an indication of an action that will occur if the menu item is selected (demo: fig11; upon the selection of a web browser menu item, an icon of a globe animates and launches the browser).

25. As to claim 12, ObjectDock discloses a computer generated graphical user interface wherein the icon is located immediately adjacent to the start menu (demo: fig1, fig2; when the mouse hovers over a menu item on the ObjectDock, an icon appears adjacent to ObjectDock).

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26. As to claims 15 and 21, ObjectDock discloses the menu is a start menu (demo, audio narration from time 00:00:07- 00:00:09 "Object dock is a new program from stardock that acts as both a program launcher and a task manager." ObjectDock acts as a program launcher and a task manager, which reads on a start menu).

27. As to claims 16 and 22, ObjectDock discloses the animated icon is contextually related to its associated menu item in the start menu (demo: fig9, fig10; menu item of an e-mail program is associated with a mail box icon).

28. As to claims 18 and 24, ObjectDock discloses the animated icon is a predefined object type in the shell namespace (demo: audio narration from time 00:03:12 – 00:03:20 "Object dock will accept any .png or icon files.").

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 9, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over ObjectDock and Rosendahl et al. (US Patent 5,452,414) hereafter Rosendahl.

31. As to **INDEPENDENT** claim 30, ObjectDock discloses one or more computer readable media storing executable instructions for providing, as part of an operating system shell, a computer generated graphical user interface for accepting user input commands, said graphical user interface comprising:

a pointer for selecting menu items and icons (demo: fig1);

a start menu divided into a plurality of discrete sections (demo: fig1, different menu items are displayed next to each other), at least one of the sections containing only operating system specific menu items (demo: fig1, a "recycle bin" is displayed); and changes its appearance based on the menu item over which the pointer is located, where the animated three-dimensional appearing icon is displayed in a different discrete section from its corresponding menu item (demo, fig5, fig6; when a user input is detected over a menu item, the screen shows an animated icon that is associated with the menu item in a distinct area which overlaps directly on top of the menu item);

wherein the appearance of the animated three-dimensional icon is contextually related to the operating system specific function called by selecting the menu item(demo: fig10). ObjectDock does not disclose an animated three-dimensional appearing icon that moves side-to-side so that the users can see the edges rotating.

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In the same field of endeavor, Rosendahl discloses an animated three-dimensional appearing icon that moves side-to-side so that the users can see the edges rotating (col 4, line 13-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of ObjectDock and the teachings of Rosendahl in order to capture/retain user's attention by providing a flashy, interactive eye candy.

32. As to claim 31, ObjectDock does not disclose the computer generated user interface of the side-to-side movement of the three-dimensional appearing icon is determined in real-time in response to a movement of the pointer.

In the same field of endeavor, Rosendahl discloses the computer generated user interface of the side-to-side movement of the three-dimensional appearing icon is determined in real-time in response to a movement of the pointer(col 4, line 06-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use the teachings of ObjectDock and the teachings of Rosendahl in order to capture/retain user's attention by providing a flashy, interactive eye candy.

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33. As to claim 9, ObjectDock discloses a computer generated graphical user interface (demo, fig1). ObjectDock does not disclose the animated icon rotates based on the movement of the pointer.

In the same field of endeavor, Rosendahl discloses the icon rotates based on the movement of the pointer(col 4, line 13-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of ObjectDock and the teachings of Rosendahl in order to capture/retain user's attention by providing a flashy, interactive looking eye candy.

34. Claim 17 is rejected under 335 U.S.C. 103(a) as being unpatentable over ObjectDock and of Viellescaze et al. (US pub 2004/0179043 A1) hereafter Viellescaze.

35. As to claims 17, ObjectDock does not disclose the wherein the displaying step further comprises an introduction animation element that causes the animated icon to move and flip; a looping animation; and an ending animation that changes the icon back to its original appearance.

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In the same field of endeavor, Viellescaze discloses displaying step further comprises an introduction animation element that causes the animated icon ([0049], the dimension of the animated "agent" can be reduced to the size of an icon) to move and flip ([0195], the animated icon is associated with a series predefined movements); a looping animation ([0205]); and an ending animation that changes the icon back to its original appearance ([0216]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of ObjectDock and the teachings of Viellescaze in order to provide an interactive interface in order to capture/retain user's attention (Viellescaze, [0001]).

Response to Arguments

36. Applicant's arguments filed 02/05/2007 have been fully considered but they are not persuasive.

37. Applicant argues that ObjectDock only show a single area with small and large views of the same icon. ObjectDock does not have menu items in addition to icons and ObjectDock does not display them in respective first and second areas.

In response to applicant's argument, ObjectDock discloses having menu items represented as icons (demo, fig.1), animated icons that deforms and rocks up and down are associated with the menu items (demo, fig.3-4). When a user hovers over a menu item in the first area, an animated icon that is associated with the menu item is displayed on top of the menu item in the second area, wherein the second area **overlaps** (application spec [0037] also suggest that the second area can overlap the first area) the first area (demo, fig.3-4).

38. Applicant argues that ObjectDock is not part of an operating system shell, but rather is an application program installed on top of a operating system shell.

In response to applicant's argument, ObjectDock is a third party software executed by the operating system that alters the functioning and appearance of the operating system interface. Standard operating system features such as launching a program are functional under the new appearance (fig.11, the launching of a web browser by the operating system using the ObjectDock).

39. Applicant is recommended to download and view ObjectDock demo video located at

http://web.archive.org/web/20030803152245/http://www.stardock.com/video/demo_objectdock.wmv, for a better understanding of the prior art reference.

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40. A less ambiguous claim language regarding the positioning of the first area and the second area may alleviate current prior art rejection.

Conclusion

41. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

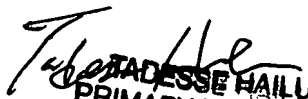
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haoshian Shih whose telephone number is (571) 270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSS


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PRIMARY EXAMINER